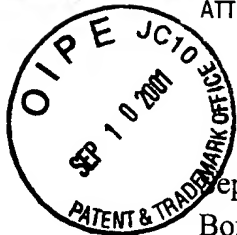




**FOLEY
HOAG**
ATTORNEYS AT LAW



September 7, 2001

Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

James T. Olesen, Ph.D.
Boston Office
617.832.1764
jto@foleyhoag.com

Sector 1/B
Box Sequence

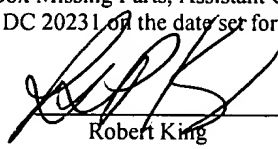

Re: U.S. Patent Application No.: 09/854,122
Entitled: *Transgenic Plants Incorporating Traits of Zostera Marina*
Filed: May 10, 2001
By: Alberte et al.
Atty Ref: PHA-007.01

Dear Sir:

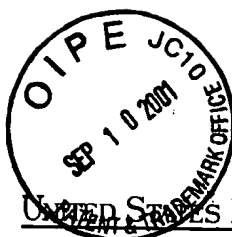
Enclosed for filing in the above-referenced patent application please find the following:

1. A copy of Notice to File Missing Parts of Nonprovisional Application;
2. Response to Notice to File Missing Parts;
3. Check in the amount of \$65.00 for surcharge fee;
4. Executed Declaration for Patent Application (2 pages);
5. Paper and electronic copy of Sequence Listing;
6. Statement to Support Filing and Submission in Accordance with 37 C.F.R. § 1.821-1.825;
7. Verified Statement Claiming Small Entity Status; and
8. Return receipt postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

Certificate of First Class Mailing	
<p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on the date set forth below:</p> <p><u>September 7, 2001</u> Date</p> <p> Robert King</p>	<p>Respectfully submitted, FOLEY, HOAG & ELIOT LLP</p> <p> James T. Olesen, Ph.D. Reg. No. 46,967 Agent for Applicants Customer ID No. 25181</p>

20/471187.1



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/854,122	05/10/2001	Randall S. Alberte	PHA-007.01

CONFIRMATION NO. 7413

FORMALITIES LETTER



OC00000006343739

 PATENT GROUP
 FOLEY, HOAG & ELIOT LLP
 ONE POST OFFICE SQUARE
 BOSTON, MA 02109-2170

Date Mailed: 07/26/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

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- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

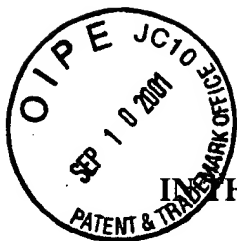
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

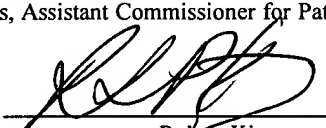
PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Alberte et al.	Examiner: None assigned
Serial No.: 09/854,122	Group Art Unit: 1638
Filed: May 10, 2001	
For: <i>Transgenic Plants Incorporating Traits of Zostera Marina</i>	Attorney Docket No.: PHA-007.01

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Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing	
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<u>September 7, 2001</u> Date of Signature and Mail Deposit	By:  Robert King

RESPONSE TO NOTICE TO FILE MISSING PARTS

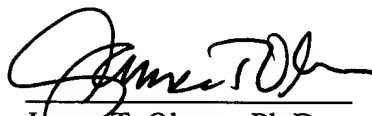
Dear Sir:

Enclosed herewith is the Applicant's response to the Notice to File Missing Parts dated July 26, 2001. In support of its response, the Applicant encloses a check in the amount of \$65.00 as a surcharge fee and a signed Declaration. This response also includes the requested electronic and paper copy of the Sequence Listing, along with the Statement in support thereof.

As the Response to the Notice to File Missing Parts is due on September 26, 2001, the Applicant does not believe any late charge is due in connection with this filing. If there is any further fee due in connection with this filing, or if any refund is owed, please charge/credit our Deposit Account No. 06-1448.

Patent Group
FOLEY, HOAG & ELIOT LLP
One Post Office Square
Boston, MA 02109
(617) 832-1000
Date: September 7, 2001

Respectfully submitted,
FOLEY, HOAG & ELIOT LLP

A handwritten signature in black ink, appearing to read "James T. Olesen", written over a horizontal line.

James T. Olesen, Ph.D.
Agent for Applicants
Reg. No. 46,967



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: PHA-007.01

In re patent application of

ALBERTE, RANDALL S. et al.

Serial No. 09/854,122

Filed: May 10, 2001

For: TRANSGENIC PLANTS INCORPORATING TRAIT OF ZOSTERA MARINA

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

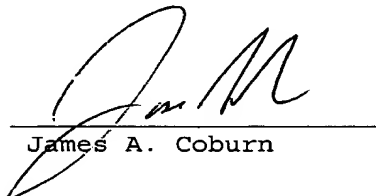
Serial No. 09/854,122

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,


Date

HARBOR CONSULTING
Intellectual Property Services
1500A Lafayette Road
Suite 262
Portsmouth, N.H.
800-318-3021


James A. Coburn